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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

**IN RE: BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION**

MD No. 02641

**PARTIES' JOINT REPORT ON ESI
PROTOCOL AND JOINT REQUEST
TO EXTEND TIME TO SUBMIT
PROTOCOL**

In accordance with this Court's October 30, 2015 Case Management Order No. 2, the Parties submit this joint report with respect to the creation of an ESI Protocol for this MDL. The Parties have not yet reached agreement on a form of ESI protocol but continue to work cooperatively in an effort to do so. Because the Parties continue to engage in a cooperative effort to produce an ESI Protocol they jointly request that the Court extend the time for the Parties to submit an ESI Protocol addressing format of production, preservation, and other relevant ESI-discovery or a joint report setting forth the areas of agreement and disagreement and recommending a procedure for resolving disagreements.

REPORT AND REQUEST FOR EXTENSION

Following on the initial case management conference and this Courts' Case Management Order No. 2, counsel for plaintiffs and defendants have engaged in a series of conversations and communications regarding ESI in this matter. Counsel for plaintiffs

1 has requested information regarding defendants' information systems, ESI preservation,
 2 and ESI collection as foundation to understand defendants' prior ESI review and
 3 productions. Defendants have produced documents, prior testimony, as well as
 4 correspondence from prior actions to address some of these requests. Counsel for
 5 plaintiffs has reviewed that information and asked for additional information from
 6 defendants. The Parties anticipate continued cooperation to provide information and to
 7 answer questions regarding plaintiffs' and defendants' collection, preservation, and search
 8 methods in order to come to an agreed ESI Protocol. In light of the intervening holidays,
 9 the Parties request an extension to January 15, 2016 to do so.

10 In particular, the Parties request that the Court extend to January 15, 2016 the
 11 Parties' deadline to jointly present to the Court an ESI Protocol addressing format of
 12 production, preservation, and other relevant ESI-discovery or, if the parties are unable to
 13 reach agreement on all aspects of the ESI Protocol, to file a joint report setting forth the
 14 areas of agreement and disagreement and recommending a procedure for resolving
 15 disagreements in accordance with Case Management Order No. 2. The Parties have
 16 submitted a proposed form of Order with this joint report and request for extension.

17 RESPECTFULLY SUBMITTED this 30th day of November 2015.

18 **GALLAGHER & KENNEDY, P.A.**

19 By: /s/ Robert W. Boatman

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By: /s/ Matthew Lerner [with permission]

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*Attorneys for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of November, 2015, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Nancy Jo Koenes
Nancy Jo Koenes

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